

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:  
All Cases

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) MDL No. 1:13-md-2419-FDS  
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**NOTICE OF FILING OF REVISED EXHIBIT A TO PLAN PROPONENTS' REQUEST  
TO (I) SUBMIT DECLARATIONS AS DIRECT TESTIMONY OF DECLARANTS AND  
(II) EXCUSE DECLARANTS FROM ATTENDANCE AT HEARING TO CONSIDER  
CONFIRMATION OF THE FIRST AMENDED JOINT CHAPTER 11  
PLAN OF NEW ENGLAND COMPOUNDING PHARMACY, INC.**

**PLEASE TAKE NOTICE** that, on May 13, 2015, Paul D. Moore, the Chapter 11 Trustee (the "Trustee") for the bankruptcy Estate of New England Compounding Pharmacy, Inc. ("NECC" or the "Debtor") and the Official Committee of Unsecured Creditors of NECC (the "Official Committee", and together with the Trustee, the "Plan Proponents"), filed the following document with the United States Bankruptcy Court, a copy of which is attached hereto as Exhibit A:

Revised Exhibit A to Plan Proponents' Request to (i) Submit Declarations as Direct Testimony of Declarants and (ii) Excuse Declarants from Attendance at Hearing to Consider Confirmation of the First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.

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Dated: May 13, 2015

Respectfully submitted,

**DUANE MORRIS LLP**

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**CERTIFICATE OF SERVICE**

I, Carol S. Ennis, hereby certify that on May 13, 2015, I caused a copy of the foregoing Notice to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: May 13, 2015

Boston, Massachusetts

/s/ Carol S. Ennis

Carol S. Ennis

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

In re:  
NEW ENGLAND COMPOUNDING  
PHARMACY, INC.,  
  
Debtor.

Chapter 11

Case No. 12-19882-HJB

**NOTICE OF FILING OF REVISED EXHIBIT A TO PLAN PROPONENTS'  
REQUEST TO (I) SUBMIT DECLARATIONS  
AS DIRECT TESTIMONY OF DECLARANTS AND (II) EXCUSE  
DECLARANTS FROM ATTENDANCE AT HEARING TO CONSIDER  
CONFIRMATION OF THE FIRST AMENDED JOINT CHAPTER 11  
PLAN OF NEW ENGLAND COMPOUNDING PHARMACY, INC.  
[EMERGENCY DETERMINATION REQUESTED]**

Paul D. Moore, the Chapter 11 Trustee (the "Trustee") for the chapter 11 estate of New England Compounding Pharmacy, Inc. ("NECC" or the "Debtor"), and the Official Committee of Unsecured Creditors of NECC (the "Official Committee," and together with the Trustee, the "Plan Proponents"), hereby file a revised Exhibit A to the Plan Proponents' Request to (i) Submit Declarations as Direct Testimony of Declarants and (ii) Excuse Declarants from Attendance at Hearing to Consider Confirmation of the First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.

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Dated: May 13, 2015  
Boston, Massachusetts

Respectfully submitted,

**DUANE MORRIS LLP**

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*Counsel to the Official Committee of  
Unsecured Creditors of New England  
Compounding Pharmacy, Inc.*

## **EXHIBIT A**

The “Declarations” are:

- the *Declaration of Michael F. Barrett, Esq. in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and for Approval of Inspira Settlement* [Dkt. No. 1225];
- the *Declaration of Kimberly A. Dougherty in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and for Approval of the High Point Settlement* [Dkt. No. 1226];
- the *Declaration of Kimberly A. Dougherty in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and for Approval of the Victory Settlement* [Dkt. No. 1227];
- the *Declaration of Frederic L. Ellis in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and for Approval of ARL Settlement* [Dkt. No. 1228];
- the *Declaration of Patrick T. Fennell in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and for Approval of Insight Settlement* [Dkt. No. 1229];
- the *Declaration of J. Scott Sexton in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. (Relating to Settlement with Insight Health Corp., and Others - Virginia)* [Dkt. No. 1230];
- the *Declaration of Thomas M. Sobol in Support of Approval of the Unifirst Settlement and in Support of Approval of the First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1231];
- the *Declaration of Matthew K. Doonan, Esq. in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1232];
- the *Declaration of Henri G. Minette in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1233];
- the *Declaration of Gregory Earl Thomas in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1234];
- the *Declaration of Mark G. Ledwin on Behalf of Preferred Mutual Insurance Company in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1235];
- the *Declaration of Frederic L. Ellis Concerning the National Compensation Program Established by the Proposed Amended Plan of Reorganization* [Dkt. No. 1236];
- the *Plaintiffs’ Steering Committee’s Declaration in Support of Approval of the First Amended Joint Chapter 11 Plan* [Dkt. No. 1237];

- the *Joint Declaration of Anne Andrews and Michael Coren, as Representatives of the Co-Chairs of the Official Committee of Unsecured Creditors, in Connection With The Official Committee's Support for Confirmation of the First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc. and Approval of the Settlements Contained Therein* [Dkt. No. 1238];
- the *Declaration of David J. Molton in Support of the Joint Motion of the Chapter 11 Trustee and the Official Committee of Unsecured Creditors for an Order Approving Plan Support and Settlement Agreement with Liberty Industries, Inc.* [Dkt. No. 1260];
- the *Declaration of Rita A. Bunch in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1261];
- the *Declaration of Joseph A. Ziemianski In Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1284];
- the *Declaration of Liberty Industries, Inc. in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1293];
- the *Declaration of Amanda J. Cox, Esq. in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1296];
- the *Declaration of Michael T. Ryan, Esq. on Behalf of Pharmacists Mutual Insurance Company in Support of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1301];
- the *Declaration of Brian Robischeau in Support of Confirmation of First Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No. 1306];
- the *Declaration of Stephen B. Darr In Support Of Confirmation of the Second Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.* [Dkt. No 1309];
- the *Declaration of Chapter 11 Trustee in Support of Confirmation of Second Amended Joint Chapter 11 Plan of New England Compounding Pharmacy, Inc.\**;
- the *Declaration of Harry M. Roth Concerning the National Compensation Program Established by the Proposed Amended Plan of Reorganization \**;
- the *Supplemental Declaration of Frederic L. Ellis Concerning the National Compensation Program Established by the Proposed Amended Plan of Reorganization\**; and
- the *Supplemental Declaration of Thomas M. Sobol Concerning the National Compensation Program Established by the Proposed Amended Plan of Reorganization\**.

\* Certain of the Declarations have not yet been filed but are expected to be filed shortly.



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

In re:

NEW ENGLAND COMPOUNDING  
PHARMACY, INC.,

Debtor.

Chapter 11

Case No. 12-19882-HJB

**CERTIFICATE OF SERVICE**

I, Carol S. Ennis, hereby certify that on the 13th day of May, 2015, I caused a true and accurate copy of the foregoing Notice to be served by electronic service via the Court's ECF service to those parties registered to receive electronic service and to all parties to the multidistrict litigation in the United States District Court for the District of Massachusetts currently pending under the caption *In re New England Compounding Pharmacy Cases Litigation*, MDL No. 2419, Case No. 13-cv-02419 (D. Mass.) who receive electronic service through its ECF system.

/s/ Carol S. Ennis

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